

VOLUME 12 INTERNATIONAL AVIATION

CHAPTER 4 TITLE 14 CFR PART 129 OPERATIONS

Section 2 Title 14 CFR Part 129 Part A Operations Specifications—General

Source Basis:

- Title 14 CFR § 110.2, Definitions.
- Title 14 CFR § 129.5, Operations Specifications.
- Title 14 CFR § 129.7, Application, Issuance, or Denial of Operations Specifications.
- Title 14 CFR § 129.9, Contents of Operations Specifications.
- Title 14 CFR § 129.11, Amendment, Suspension and Termination of Operations Specifications.
- Title 14 CFR § 129.13, Airworthiness and Registration Certificates.
- Title 14 CFR § 129.14, Maintenance Program and Minimum Equipment List Requirements for U.S.-Registered Aircraft.
- Title 14 CFR § 129.15, Flightcrew Member Certificates.
- Title 14 CFR § 129.17, Aircraft Communication and Navigation Equipment for Operations Under IFR or Over the Top.
- Title 14 CFR § 129.18, Collision Avoidance System.
- Title 14 CFR § 129.20, Digital Flight Data Recorders.
- Title 14 CFR § 129.24, Cockpit Voice Recorders.
- Title 14 CFR § 129.25, Airplane Security.
- Title 14 CFR § 129.28, Flightdeck Security.
- Title 14 CFR Part 212, Charter Rules for U.S. and Foreign Direct Air Carriers.
- Title 14 CFR Part 215, Use and Change of Names of Air Carriers, Foreign Air Carriers and Commuter Air Carriers.
- Title 14 CFR Part 218, Lease by Foreign Air Carrier or Other Foreign Person of Aircraft with Crew.
- Administrative.

2.1 GENERAL.

2.1.1 Purpose. This section provides the Federal Aviation Administration (FAA) policy requirements and aviation safety inspector (ASI) guidance associated with the standard Part A (General) operations specifications (OpSpecs) paragraphs and their templates available for issuance to each foreign air carrier or foreign person operating under Title 14 of the Code of Federal Regulations (14 CFR) part 129.

2.1.2 Scope. This section is applicable to all FAA Flight Standards Service (FS) personnel and International Field Offices (IFO) having responsibilities associated with 14 CFR part 129 foreign air carrier aviation operations and international aviation operations.

Note: Advisory circulars (AC) referenced throughout this section provide guidance for compliance with specific regulations. They may describe acceptable means, but not the only means, of accomplishing or showing compliance with regulations.

2.1.3 Safety Assurance System (SAS) Activity Recording (AR) Codes.

- a) Operations: 1326, 1327, 1343.
- b) Maintenance: 3315, 3316, 3359.
- c) Avionics: 5315, 5316, 5359.

2.1.4 Regulatory References. All regulatory references in this section are found in 14 CFR unless otherwise indicated.

2.2 DEFINITIONS. See Volume 12, Chapter 1, Section 1, Definitions, Abbreviations, and Acronyms, for information associated with this section. The definition of a wet lease applicable to 14 CFR part 129 operations is found in 14 CFR part 110 and the definition of a lease is found in 14 CFR part 218.

2.3 PART A OPSPECS.

Note: FAA policy associated with 14 CFR part 129 Part A OpSpecs may be immediately accessed by clicking on the appropriate following OpSpec number: [A001](#), [A002](#), [A003](#), [A004](#), [A005](#), [A006](#), [A008](#), [A024](#), [A026](#), [A027](#), [A028](#), [A029](#), [A447](#).

OPSPEC A001—ISSUANCE AND APPLICABILITY, AND REPORTS (REQUIRED FOR ALL FOREIGN AIR CARRIERS).

a) Legal Name, Doing Business As (DBA), Air Operator Certificate (AOC), and Economic Authority. OpSpec A001 must identify the OpSpecs holder. The name that appears in A001 must be the legal name of the foreign air carrier as shown on its AOC issued by the State of the Operator and as shown on its economic authority applicable to its operations or registrant information filed with the U.S. Department of Transportation (DOT). With respect to foreign air carriers, in general the DOT does not permit use of the same trade or DBA name by multiple carriers. However, there are a couple of common brand usage exemptions the DOT has granted to carriers in Central/South America in very specific, limited, and conditioned circumstances. It is possible for foreign air carriers to register more than one DBA.

Note: As a reminder, if a foreign air carrier were to conduct operations wholly outside the United States that involved the carriage of a U.S. air carrier code (codeshare), the foreign air carrier will need economic authority in the form of an exemption and would require a Statement of Authorization under 14 CFR part 212. It will also have to meet all of the requirements of the Codeshare Safety Audit Program.

1) The State of the Operator AOC (Identification). The identifying number of the foreign air carrier AOC is as issued by its respective State Civil Aviation Authority (CAA). Foreign air carriers must provide a copy of the AOC to the FAA and principal inspectors (PI) must verify the AOC with the CAA before the issuance of 14 CFR part 129 OpSpecs.

2) Legal Name and DBA. PIs can verify the foreign air carrier's or Canadian air taxi operator's legal name (listed on its economic authority) and DBA by any of the following methods:

a. By requesting either their final notice from the DOT or their application for DOT economic authority.

b. By using the regulations.gov website at <https://www.regulations.gov>. A search may be narrowed down by limiting the words used in your search such as: [name of airline] permit, [name of airline] exemption, or DOT-OST-[docket year of original request]-[the next 4 numbers that were assigned to the original request].

1. When reviewing search results, look for key words such as "Final Order" in the title associated with [name of airline] permit and DBA.

2. Another phrase to look for in the search results is "Notice of Action Taken" in the title associated with [name of airline] exemption and DBA. Notice of action taken would indicate the DOT final decision for approval or disapproval of an exemption or permit request.

3. The DOT assigns a docket number to each request and response. The docket number of the response will be associated with the docket number of the request.

4. If you have a copy of the foreign air carrier's request for DOT economic authority, it may be easier to search by the docket number. If searching by docket number, type in all but the last four digits of the docket number associated with the request. For example, if the request had a docket number "DOT-OST-2012-0211-0001," search using "DOT-OST-2012-0211." Your search should yield the following results: "DOT-OST-2012-0211-0001" and "DOT-OST-2012-0211-0002," as applicable.

5. The search results may not be in numerical or chronological order.

c. By contacting the DOT's Foreign Air Carrier Licensing Division. A foreign air carrier that wishes to change its legal name on its FAA OpSpecs must first register any name change with the DOT following the procedures in 14 CFR part 215, and present evidence of its new name on an AOC issued by the State of the Operator.

Note: A list of Canadian air taxi operators registered under 14 CFR part 294 is located at the following website: <https://www.transportation.gov/policy/aviation-policy/licensing/other-special-authorities>.

3) The Foreign Air Carrier's or Person's OpSpec Designator/Number (14 CFR Part 129 and § 129.14 Templates). This will be the same number obtained from the Automation Systems Management Branch (AFS-950). Enter it into the foreign air carrier's enhanced Vital Information Database (eVID).

b) The Foreign Air Carrier's or Person's Address.

1) Primary Business Address. The foreign air carrier's or person's address is the physical address of the place of business or residence within the State of the Operator.

- Pursuant to the relevant International Civil Aviation Organization (ICAO) annex, the State of the Operator is responsible for issuing an AOC to an air carrier that engages in international commercial air transport.
- The AOC is issued in accordance with the ICAO standards set forth in Annex 6, Part I or III, as applicable.
- Annex 6 defines the State of the Operator as, "The State in which the operator's principal place of business is located or, if there is no such place of business, the operator's permanent residence."

2) The Address of the Foreign Air Carrier Within the United States. Some foreign air carriers will have an operations representative in the United States (e.g., a representative for North American operations). If the air carrier does not have an address within the United States, leave blank.

3) Mailing Address. The foreign air carrier's or foreign person's mailing address for international mail delivery is its principal place of business or residence within the State of the Operator.

c) Responsible Flight Standards Offices. Enter the name and the mailing and overnight delivery address of the IFO with responsibility for the oversight of the OpSpecs holder, to include the PI names and contact information to assist PIs with oversight responsibilities of the OpSpecs holder.

d) U.S.-Registered Aircraft. Foreign air carriers operating U.S.-registered aircraft must ensure each flightcrew member complies with 14 CFR § 61.3(j). See Volume 12, Chapter 3, Section 4 for additional information on pilot age requirements as they relate to foreign air carriers using the services of a pilot on a U.S.-registered aircraft.

e) Information Required by OpSpec A001, 14 CFR Part 129 Template. The following is a summary of some of the information captured in OpSpec A001 for foreign air carriers operating to the United States.

1) Authorized Operations.

a. DOT. The kind of operations authorized (scheduled and/or charter). Per the DOT, frequency/schedule of service does not by itself delineate charter vs. scheduled. The determination of whether an operation is a charter or scheduled operation is typically determined by the method in which the service is held out/advertised/sold, as well as by the terms of the contract of carriage between the carrier and the passenger. In general, if the service is held out in a Global Distribution System (GDS) and/or appears as scheduled service in the Official Airline Guide (OAG), the DOT would associate that degree of advertising to equate to scheduled service. On the other hand, many U.S. and foreign air carriers engage in direct charter sales and legally operate such flights as charter operations. If it is not clear-cut, it is a determination the DOT typically makes on a case-by-case basis.

b. FAA. The kind of operations authorized (both scheduled and charter, only scheduled, or only charter) will be the more restrictive grant of authority between the DOT's economic authority as compared to the foreign air carrier's AOC and its associated OpSpecs. In the event the operator is authorized by the DOT for scheduled foreign air transportation of property and mail (all-cargo) to the entire United States and the foreign CAA-issued OpSpecs to the operator do not list specific U.S. airports, the operator will need to provide additional information as needed to which U.S. airports it plans to conduct scheduled service. (Refer to 14 CFR §§ 110.2, 129.7, and 129.9.)

c. Short-Term Service. DOT and FAA requirements associated with short-term service by network carriers (network carriers use a traditional hub-and-spoke system for scheduling flights) and circumstances when one carrier within the network normally provides a scheduled service but this service needs to move to another network carrier on a short-term basis (e.g., due to an Aircraft on the Ground (AOG)). The flight is performed using the network carrier's dispatch, call sign, and flight number. The carrier that is performing the flight has operational control.

1. DOT requirements:

- i. Economic authority is issued by the DOT to each AOC holder.
- ii. Economic authority (i.e., a permit) held by a mainline carrier does not provide economic authority to its regional affiliates.
- iii. The following is an example that meets DOT economic requirements: A mainline carrier from Canada holds a permit. Canadian affiliates all hold permits with each holding authority to conduct Canada-U.S. scheduled and charter operations. In the case of an AOG, one or more of those carriers (or, for that matter, any Canadian carrier holding charter authority as well as any licensed U.S. carrier) could conduct the transborder operation with no need for additional authority. The operation could also be conducted by a properly licensed charter carrier from any other International Aviation Safety Assessment (IASA) Category (CAT) 1 foreign country, provided that the carrier applies for and obtains a Statement of Authorization from the DOT. Essentially, the subservice is viewed as a charter/provision of aircraft and crew operation, rather than as a scheduled operation for the carrier that ultimately conducts the service for the marketing/original operating carrier.

2. FAA requirements:

- i. Mainline carriers: Conduct an environmental review, list scheduled airport(s) in OpSpec A001, provide notifications of short-term service changes to the responsible IFO upon request, and provide an environmental file.
- ii. Network regional carriers (relieving or feeder, operating to communities lacking sufficient demand or infrastructure to attract mainline flights): Conduct an environmental review prior to operation of any scheduled flight to a U.S. airport, to include short-term service; and ensure the airport served is in the geographical area authorized in the operator's OpSpec A001. The network carrier(s) will provide notifications of short-term service to the responsible IFO.

iii. Environmental review: See Volume 11, Chapter 6 for inspector guidance on environmental review when adding a new scheduled destination airport for the foreign air carrier. For a checklist of the information needed by the General Aviation and Commercial Division, Operations Group (AFS-830) for an environmental review, refer to the document in the Web-based Operations Safety System (WebOPSS) for OpSpec A001. Click the Guidance button and locate the document in the Guidance pop-up window titled “OpSpecs Environmental Reviews.” AFS-830 conducts the environmental review for National Environmental Policy Act (NEPA) compliance to ensure NEPA levels (i.e., noise and emissions) are met. If they are met, AFS-830 will issue a Categorical Exclusion (CATEX) for the IFO’s file documenting the environmental review. If the environmental review does not meet the NEPA levels, then AFS-830 will work with the IFO and the foreign air carrier to see if a higher level of review is needed (i.e., Environmental Assessment (EA)) or adjustments to the scheduled service (e.g., nighttime operations to daytime hours, reduced flights) can be made to qualify for CATEX.

2) Foreign Air Carrier Responsibilities. The responsibilities (appropriate DOT economic authority, appropriate Transportation Security Administration (TSA) security program, valid State of the Operator AOC or equivalent document, required reports as specified in A001, etc.) of the foreign air carrier in conducting its operation to the United States. See subparagraph g) for additional guidance on an appropriate TSA security program.

3) Applicable Regulations. The applicable regulatory sections include 14 CFR parts 91 and 129, Title 49 of the Code of Federal Regulations (49 CFR) part 175, and any other relevant regulations, laws, and orders of the United States or ICAO international standards that apply to the operations to be conducted (ICAO Annex 1; Annex 6, Part I or III; and Annex 8, Part II, Chapters 3 and 4, as applicable).

a. Nondiscrimination on the basis of disability in air travel. Certain portions of 14 CFR part 382 are also applicable to foreign air carriers.

b. Overflights. Operators may find details on overflight fees in U.S.-managed airspace at https://www.faa.gov/air_traffic/international_aviation/overflight_fees/.

c. Flight Data Center (FDC) Notices to Air Missions (NOTAM). Operators must comply with the latest NOTAMs regarding entry, exit, transit, and flight within U.S. territorial airspace applicable to the operator and their operation.

4) OpSpec Effectiveness. General requirements about the effectiveness of a foreign air carrier’s OpSpecs as they relate to its DOT economic authority and crewmember licensing and age requirements. Foreign air carriers must comply with the current age requirements set forth in ICAO Annex 1.

5) The DOT Economic Authority Type. Based on what the DOT has issued, in the table within subparagraph a of the OpSpec, under the heading of “DOT Economic Authority (Type),” select either “Foreign Air Carrier Exemption,” “Foreign Air Carrier Permit,” or “Part 294 Registrant.” For additional discussion on economic authority, see Volume 12, Chapter 1, Section 2.

a. PIs may find a reference to a “third country” in the text of the economic authority. “Third country” is intended to refer to a country other than the two countries discussed in a particular passage of text. In most cases involving foreign air carriers, this is a country other than the State of the Operator or the United States. For example, in the context of a Canadian air taxi operator, a third country would be a country other than Canada or the United States.

b. The DOT issues “Part 294 Registrant” for Canadian charter air taxi operators. Title 14 CFR § 294.1 states, in part, “This part establishes a classification of foreign air carriers known as ‘Canadian charter air taxi operators,’ and establishes registration procedures for these carriers operating or seeking to operate transborder services between Canada and the United States.” A charter from a third country to the United States or vice versa:

1. Does not meet the definition of transborder between Canada and the United States; and

2. Is a “Seventh Freedom” charter (which is handled on a case-by-case basis under the application procedures) outlined in 14 CFR part 212.

c. For years, the DOT has considered applications from 14 CFR part 294 registrants for these types of charters. The application procedures and DOT decisional factors are discussed on the DOT website at <https://www.transportation.gov/policy/aviation-policy/licensing/foreign-carriers>. (See the heading “Charter Operations Requiring Prior Approval.”)

d. Many of these charters are requested, approved, and operated within a matter of days and would be reflected on the following week’s report of the DOT’s weekly list of undocketed applications. All of the weekly reports are available at <https://www.regulations.gov/docket?D=DOT-OST-2017-0044>. If the PI needs to verify that a particular carrier holds a Statement of Authorization, the PI may need to request a copy of the approval from the carrier or from the DOT. Such need may arise when the responsible PI receives notification from the 14 CFR part 294 registrant of a charter flight, which is not transborder between Canada and the United States.

e. Title 14 CFR § 294.2(i) states, “Small aircraft means any aircraft designed to have:

1. A maximum passenger capacity of not more than 30 seats and a maximum payload capacity of not more than 7,500 pounds, and/or

2. Maximum authorized takeoff weight on wheels not greater than 35,000 pounds.”

Note: The DOT’s interpretation of the “and/or” in 14 CFR § 294.2(i) is that it should be read as “or.” This means that operators who have aircraft over 35,000 pounds, but meet the requirement for under 30 seats and 7,500 pounds of payload, meet the definition of a small aircraft.

6) The DOT Economic Authority Expiration.

a. Based on what the DOT has issued, in the table within OpSpec A001, subparagraph a, under the heading of “DOT Economic Authority (Expiration),” there are three selectable choices: a blank space, “N/A,” and “application pending (Part 377 & APA).” If the DOT economic authority is without an expiration date, then select “N/A.” If the foreign air carrier’s economic authority has an expiration date, then select the blank space and enter the expiration date. In addition to the expiration date, PIs may also enter the Docket ID. PIs must select “application pending (Part 377 & APA)” if:

1. The foreign air carrier has applied for exemption renewal before the exemption’s expiration date;
2. In the application for renewal, the applicant cited 14 CFR part 377 and the Administrative Procedure Act (APA); and
3. The DOT has not taken some type of action.

b. A foreign air carrier exemption will have an expiration date. The DOT will:

1. Grant an exemption for 1 or 2 years, subject to timely renewal.
2. Normally grant a permit to a foreign air carrier under the statute for an indefinite period, subject to certain conditions tied to the bilateral agreements that may be in place. In the case of denial of a long-pending application of a carrier that holds 14 CFR part 129 OpSpecs, the DOT would likely advise both the International Program Division (AFS-50) and the applicable IFO.
3. Grant a permit:
 - i. With a duration coextensive with the terms of the applicable bilateral aviation agreement; or
 - ii. If no bilateral agreement exists, for 5 years.

Note: Canadian air taxi registrations under 14 CFR part 294 are indefinite.

7) DBA Names Authorized by the DOT and the State of the Operator. (See also subparagraph a.)

8) Authorized Geographic Areas of U.S. Operation. The foreign air carrier must conduct each operation within the United States in accordance with its State of the Operator-issued AOC and associated limitations and provisions, and in accordance with specific authorizations, limitations, and procedures contained in these FAA-issued 14 CFR part 129 OpSpecs. For the purpose of OpSpec A001, the available authorized areas are selectable as follows:

- USA—The 48 Contiguous United States and the District of Columbia.
- USA—The State of Alaska.
- USA—The State of Hawaii.

- USA—The Commonwealth of Puerto Rico.
- USA—The Commonwealth of the Northern Mariana Islands (CNMI).
- USA—The Territory of American Samoa.
- USA—The Territory of Guam.
- USA—The Territory of the U.S. Virgin Islands.

9) Authorized Radio Call Sign and the ICAO Three-Letter Designator. Like the United States, some foreign CAAs do not require all air carriers to whom they have issued an AOC to obtain a radio call sign and the ICAO three-letter designator. It is each foreign air carrier's responsibility to provide the responsible PI with supporting documentation. PIs may find additional information on international standards in ICAO Annex 10, Volume II, Chapter 5, 5.2.1.7.2, Radiotelephony Call Signs for Aircraft.

10) Charter Flight Notification Method. If the foreign air carrier conducts only charter operations, leave the "Airports To Be Used for Scheduled Passenger or Scheduled Transportation of Property and Mail (All-Cargo) Operations" table blank. If the foreign air carrier to whom the FAA issues 14 CFR part 129 OpSpecs plans on conducting a charter flight, the foreign air carrier must provide the responsible IFO with advance written notice (including by fax, email, or paper document) of the operation. For urgent situations, a foreign air carrier may use telephone notification to the responsible IFO, followed by a written notice sent as soon as possible. At a minimum, the charter foreign air carrier must provide the following information for each flight conducted to, from, or within the United States:

- a. Aircraft registration.
- b. Aircraft make and model (M/M).
- c. All arrival and departure airports used within the United States.
- d. Estimated arrival and departure times at each airport used.
- e. As directed by the IFO, the foreign air carrier will provide updates on the estimated time of arrival (ETA) and departure when delays are expected.
- f. Purpose or description of flight. For example, ferry flight for maintenance, golf charter, dropping off passengers, private flights (owner flights, not for hire), etc.
- g. If possible, the foreign air carrier should provide a contact phone number within the United States. An example of this would be a Fixed-Base Operator (FBO), a ground-handling company, or a contract maintenance provider.

1. Foreign air carriers from U.S. Department-of-State-designated special interest countries to which the FAA issues 14 CFR part 129 OpSpecs are exempted by the U.S. Department of State from the previously required Special Interest Flight (SIF) program notifications.

i. A 14 CFR part 129 foreign air carrier's route information is not posted on the FAA SIF website.

ii. A foreign air carrier from a special interest country conducting a 14 CFR part 375 operation under 14 CFR § 375.42 (authorized by the DOT for occasional planeload charters) must continue to make SIF notifications.

iii. A 14 CFR part 375 foreign air carrier's route information is required to be posted on the SIF website.

2. An ASI conducting a ramp inspection may use the FAA SIF website as an additional tool to help determine the type of operation conducted.

i. ASIs should direct any operational issues with a specific SIF to the Domestic Events Network (DEN). PIs should direct general questions on SIFs, including link and access authorization for the FAA SIF website, to the Strategic Operations Support Group (AJR-22) via email at 9-ATOR-HQ-IFOS@faa.gov.

ii. PIs may find FAA U.S. Territorial Airspace Route Authorization Requirements for SIF foreign air carriers for each special interest country in the International section of the FAA Class II NOTAM publication at https://www.faa.gov/air_traffic/publications/notices/.

11) Airports Used in Scheduled Passenger or Scheduled Transportation of Property and Mail (All-Cargo) Operations. For scheduled passenger or scheduled transportation of property and mail (all-cargo) operations, select one ICAO airport identifier per dropdown list. For scheduled passenger or scheduled transportation of property and mail (all-cargo) operations, the foreign air carrier will provide the list of airports to be used and included as follows:

a. Regular Terminal. An airport approved under scheduled service to a community as the regular stop to that community.

b. Alternate. An airport at which an aircraft may land if a landing at the intended airport becomes inadvisable or if operational necessity requires the use of that airport. Select the most probable alternate for the regular terminal airport listed for a given regular terminal airport. If the number of most probable U.S. alternates for the regular terminal airport exceeds three, then additional rows may be added to list those additional U.S. alternate airports. This does not preclude the foreign air carrier from using an alternate airport not listed in the table if weather, air traffic control (ATC) routing, or other operational necessity requires it.

c. Technical/Refueling Stop. Leave blank if the foreign air carrier has no technical/refueling stop that it will use on a regular basis for the regular terminal airport.

d. Charter Operations. For charter operations, the "Airports To Be Used for Scheduled Passenger or Scheduled Transportation of Property and Mail (All-Cargo) Operations" table will be left blank.

e. Foreign Air Carrier Actions. Foreign air carriers applying to the FAA for authorization to operate into an airport within the United States must provide the responsible IFO with evidence that the State of the Operator has approved operation to the requested airport. The approval must include:

1. Documentation (e.g., a letter from the CAA or an excerpt from a CAA-approved manual, if in English) that the flightcrews are trained.
2. A list of approved airports.
3. Any special limitations and provisions relating thereto.
4. Make, model, and series (M/M/S) of aircraft authorized for the proposed airport(s).
5. Any other pertinent information, to include the following:
 - i. Line station office information:
 - Location(s).
 - Name of station manager or point of contact (POC).
 - Maintenance personnel information (or contractor information) and any other contractors (e.g., deicing or baggage/cargo handlers), including contact information (name, address, and phone/fax numbers) for all contractors and a list of which tasks are to be performed by each of the contractors.
 - ii. A copy of the U.S. economic authority (if required) issued by the DOT to the foreign air carrier to assure that it reflects the addition of the requested airport.
 - iii. Written documentation that the foreign air carrier has:
 - Airport analysis for the aircraft it intends to operate into the new airport and its alternate airports (e.g., an excerpt from a CAA-approved manual if in English or a letter from a CAA).
 - Properly trained the servicing personnel in accordance with the foreign air carrier's CAA-approved policies and procedures.
 - Properly trained contract baggage and cargo handlers to the foreign air carrier's CAA-approved policies and procedures, which should include dangerous goods training (if applicable).
 - Properly trained its aircraft maintenance personnel (or contractor maintenance personnel) to its CAA-approved policies and procedures.
 - A copy of the State-of-the-Operator-required manuals (which should address the above-mentioned procedures) available at each new airport.

6. All of the foreign air carrier's personnel (including contractor personnel) must be able to read and understand the language that the manuals are written in or be provided with an English translation by the operator.

7. Procedures should be outlined in the appropriate operations manual approved by the CAA or within the OpSpec issued by the CAA for operators without an operations manual. If the CAA does not go into this level of detail in its OpSpecs, then it will be up to the PI to determine if additional clarification is needed.

12) Notifications. Changes to any information in the FAA-issued OpSpecs, or the basis upon which the FAA issued them, require that the foreign air carrier notify the responsible IFO in a form and manner acceptable to the FAA. For example, changes to the following would require notification:

- a. Foreign air carrier (company) ownership;
- b. Addresses for the foreign air carrier and contact details such as telephone, fax, and email;
- c. Foreign air carrier agent for service and management personnel;
- d. Economic authority issued by the U.S. DOT;
- e. Airports authorized for scheduled operations to the United States by the State of the Operator and to be used in the United States; and
- f. Notification method for charter flights to the United States.

Note: The responsible IFOs, if necessary, should make periodic inquiries to the foreign air carrier to ensure the currency of information.

13) Additional Reports. The foreign air carrier must provide additional reports and notifications when requested by the FAA. For example:

- a. A copy of the valid AOC or equivalent document issued by the State of the Operator;
- b. For scheduled flights, the schedule and frequency of flights and any changes to those schedules and frequencies; and
- c. The foreign air carrier's operations and maintenance liaison persons and contractors at any U.S. airport served on a scheduled basis.

14) Responsible Flight Standards Office. See subparagraph c).

f) Information Required by A001, the 14 CFR § 129.14 Template. The following is a summary of the information captured in OpSpec A001 for foreign air carriers or foreign persons operating U.S.-registered aircraft only outside the United States.

- 1) The Foreign Air Carrier's or Foreign Person's Name. See subparagraph a).
- 2) The Foreign Air Carrier's or Foreign Person's Addresses. See subparagraph b).
- 3) DBA Names Authorized by the State of the Operator. See subparagraph a).
- 4) The Foreign Air Carrier's or Foreign Person's OpSpec Designator/Number. See subparagraph a).
- 5) The Foreign Air Carrier's or Foreign Person's State's Operating Certificate Number.
- 6) The Foreign Air Carrier's or Foreign Person's Representative. This representative will be the primary representative for all contact regarding the foreign air carrier's or foreign person's U.S.-issued OpSpecs for the maintenance program and minimum equipment list (MEL) approval.
- 7) Agent for Service Located in the United States. See the definition of an agent for service in Volume 12, Chapter 1, Section 1. See also OpSpec A006 in this section for additional information.
- 8) Responsible Flight Standards Office. See subparagraph c).

g) TSA Security Program. Title 14 CFR Part 129 foreign air carriers must maintain an appropriate security program, as required by the TSA. If the TSA requires a security program, then responsible PIs need documentation from their 14 CFR part 129 foreign air carriers (on the TSA security program) prior to issuing OpSpecs. The TSA will make the determination if the foreign air carrier needs a security program. It is each foreign air carrier's responsibility to contact the TSA. The TSA will analyze the foreign air carrier's proposed operations and fleet. Per the TSA:

- 1) Title 49 CFR part 1546 identifies foreign air carriers that are obligated to hold a security program.
- 2) Many smaller foreign air carrier charters may fall into the category of not needing a security program. Essentially, foreign air carriers with planes with fewer than 60 seats, less than a certain takeoff weight, not flying into/out of a sterile area, and not departing from an area where the TSA has determined a threat exists are not required by the TSA to have a security program. Operators may opt in to have a TSA security program, if they like. If the foreign air carrier was previously determined by the TSA as not needing a TSA approved program (e.g., 49 CFR § 1546.101) and is now requesting to add new airport(s) to be used for scheduled passenger operations or all-cargo operations or add new aircraft (see OpSpec A003, subparagraph c)4)e), then the PI needs updated documentation from the foreign air carrier ensuring a TSA security program is not required per 49 CFR § 1546 prior to reissuing the OpSpecs. FAA regulatory basis can be found in 14 CFR §§ 129.7(c)(3) and 129.25.
- 3) The TSA maintains a list of 14 CFR part 129 foreign air carriers with valid TSA security programs. Foreign air carriers on the TSA list are carriers that hold a security program (model security program (MSP), all-cargo international security procedure (ACISP), twelve-five

standard security program (TFSSP), etc.) and actively fly to/from the United States. Active is defined by the individual TSA International Industry Representative (IIR) and can include asking if the carrier has flown to/from the United States in the past year, and will the carrier fly to/from the United States in the next year. If the answers to both of these questions are no, then typically those foreign air carriers will be removed from the Automatic Detection and Processing Terminal (ADAPT).

Note: If the responsible IFO has any concerns regarding a foreign air carrier's TSA security program, they will contact the International Field Office Management Branch (AFS-54) who will assist in coordinating with the TSA, as appropriate. IFOs may request a copy of the latest TSA list from AFS-50.

OPSPEC A002—DEFINITIONS AND ABBREVIATIONS (REQUIRED FOR ALL AIR CARRIERS). OpSpec A002 includes definitions of words or phrases used in other OpSpec paragraphs. These definitions enhance understandings between the FAA and foreign air carriers. The FS International Program Division developed the definitions and they must not be changed. Forward all recommendations for changes/addition to the International Program Division for review and determination. An addition of a definition by an IFO would make the OpSpec nonstandard and, as such, the IFO must process the addition as a nonstandard OpSpec paragraph request through the International Program Division for approval.

OPSPEC A003—AIRCRAFT AUTHORIZED FOR OPERATIONS TO THE UNITED STATES (REQUIRED FOR ALL FOREIGN AIR CARRIERS OPERATING TO THE UNITED STATES. ONLY APPLIES TO PART 129 OPSPEC TEMPLATES, NOT THE § 129.14 OPSPEC TEMPLATES).

a) General. OpSpec A003 lists the aircraft that the FAA has authorized a foreign air carrier to use in its operations in the United States with the following exception: aircraft being operated by the foreign air carrier under an interchange arrangement where the foreign air carrier is the interchange operator will be listed in OpSpec A029 and not in OpSpec A003. This paragraph also describes the specific requirements to list the aircraft in A003 and be used by a foreign air carrier to conduct international air transportation operations within the United States.

1) Aircraft Registration and Airworthiness Certificates. The aircraft must carry a current and valid Certificate of Airworthiness (C of A) and registration issued by the State of Registry. ICAO requires (in Article 29 of the Convention on International Civil Aviation) that aircraft engaged in international navigation carry a C of A and registration in the aircraft. Airworthiness and registration certificates are also required for foreign air carrier aircraft by 14 CFR § 91.203(a)(1) and (2), and 14 CFR §§ 129.13 and 375.20. If the aircraft is subject to an agreement made pursuant to Article 83 *bis* (see Volume 12, Chapter 3, Section 5) to the Convention on International Civil Aviation, the C of A may be issued by the State of the Operator.

2) Airworthiness Requirements. The State of Registry must have a comprehensive and detailed national airworthiness requirement established for the class of aircraft as required in ICAO Annex 8, Part II, 3.2.2. Determinations concerning the adequacy of a State's airworthiness

requirements are based on the FAA's IASA Program. If any doubt exists, contact AFS-50 before adding the aircraft.

3) Maintenance Programs. Each aircraft must have a maintenance program approved by the State of Registry or, for an aircraft subject to an Article 83 *bis* agreement, by the State of the Operator.

a. For aircraft subject to an Article 83 *bis* agreement, verify the agreement has been registered with ICAO and covers the applicable aircraft (see Volume 12, Chapter 3, Section 5).

b. The maintenance program will conform to the international standards set forth in ICAO Annex 6, Part I, Chapters 8 and 11 for airplanes and ICAO Annex 6, Part III, Chapters 6 and 9 for helicopters.

c. For each U.S.-registered aircraft, the FAA must have approved the maintenance program in accordance with 14 CFR § 129.14(a).

4) MEL Exceptions.

a. The aircraft manufacturer develops the Master Minimum Equipment List (MMEL) in conjunction with the State of the Manufacturer's CAA. The State of the Operator approves a foreign air carrier's MEL.

b. Each foreign air carrier who wants to operate U.S.-registered aircraft with certain instruments or equipment inoperative must have OpSpec D095 issued to them. (See Volume 12, Chapter 4, Section 5.)

5) Airworthiness Directives (AD).

a. A foreign air carrier must have properly accomplished all ADs issued by the State of Registry or adopted by the State of Registry from the State of Design applicable to each aircraft listed in the OpSpecs, in accordance with ICAO Annex 6, Part I, Chapters 8 and 11 (airplanes) and Part III, Chapters 6 and 9 (helicopters) as applicable. After the aircraft is on the OpSpecs, the failure to comply on an ongoing basis with all applicable ADs is justification for removing the aircraft from the OpSpec paragraphs.

b. OpSpec A447 must also be issued to each foreign air carrier operating U.S.-registered aircraft, which are listed in OpSpec A003, to enable the FAA to notify the foreign air carrier regarding emergency ADs.

— b) Enter Aircraft Information. All aircraft information must first be entered into OPSS under "CHDO," "Maintain Operator Data," "Aircraft." Once accomplished, move the current OpSpec A003 paragraph template from the Available grid to the Workspace grid. The M/M/S, serial number (S/N), and registration number entered under "Operator - Aircraft" will populate OpSpec A003, Table 1, Authorized Aircraft. The following provides guidance on the "Maintain Operator Data—Aircraft" fields.

- All aircraft that the foreign air carrier owns, dry leases, or wet leases that it will operate within the United States must be entered in A003. Both foreign- and U.S.-registered aircraft must be entered.
- The aircraft of a foreign air carrier that provides service to the United States will only be listed in A003 of the “primary operator’s” A003, in the case of an interchange operation; the “lessor’s” A003, in the case of a wet lease; or the “lessee’s” A003, in the case of a dry lease (see Volume 12, Chapter 3, Section 2).

Note: For additional help in adding an aircraft to 14 CFR part 129 OpSpecs, in the left navigation menu, under “Tools,” select “CHDO - User Manual.”

1) M/M/S. Select the “Manufacturer” and then “Model/Series” from the dropdown lists provided in OPSS. If the appropriate M/M/S cannot be found in OPSS, ASIs should send an email to OPSS Support at AFS-WebOPSS@faa.gov to request the M/M/S be added to OPSS. Provide any aircraft type certification information, if available.

2) Registration Number. Enter the aircraft registration marking assigned by the State of Registry. ICAO defines the State of Registry as “the State on whose register the aircraft is entered.” In accordance with Article 18 of the Convention on International Civil Aviation, an aircraft cannot be validly registered in more than one State.

3) Serial Number (S/N). Enter the manufacturer’s aircraft S/N.

4) CFR. This defaults to “129” for a foreign air carrier. Select “129.14” to add a U.S.-registered aircraft that will be used in common carriage solely outside the United States. Aircraft entered under “129.14” will not appear on the foreign air carrier’s OpSpec A003 but will appear on any maintenance OpSpecs, such as D085 and D095.

5) Type Section 119. This is not applicable to 14 CFR part 129. However, this is a required field, and therefore you must select “N/A” from the dropdown list.

6) Configuration. PIs must select “All Cargo,” “Passenger,” “Combi,” or “Pax and Cargo” based on the main cabin configuration. The PI must ensure that the selection represents how the aircraft’s main cabin can be used and that it is not contrary to the type of service for which the aircraft is approved. For example, if an aircraft’s main cabin can be configured for “Pax and Cargo,” but the State of the Operator and DOT economic authority only authorize the foreign air carrier to carry passengers, then the PI must select “Passenger.”

a. All Cargo. The main cabin is for cargo hauling only. There may be a few supernumerary seats.

b. Passenger. The main cabin is for passenger seating only. There may be overhead bins for bags.

c. Combi. The main cabin of the airplane is a simultaneous combination of passenger and cargo. For example, half of the main cabin volume is for cargo and half of the main cabin volume is passenger seating.

d. Pax and Cargo. At one time, the main cabin is all cargo (see above); at another time, the main cabin is passenger (see above), though not at the same time.

7) En Route. Inspectors must enter the appropriate en route flight rule for each M/M/S.

a. If the M/M/S is a large aircraft, as defined in OpSpec A002, and/or approved for only instrument flight rules (IFR) operations by the State of the Operator's CAA, select "IFR" in the column labeled "En Route."

b. If the M/M/S is other than a large aircraft, as defined in OpSpec A002, and/or restricted to visual flight rules (VFR)-only operations by the State of the Operator's CAA, select "VFR."

c. If the M/M/S is other than a large aircraft, as defined in OpSpec A002, and/or approved for both IFR and VFR operations by the State of the Operator's CAA, select "IFR/VFR."

8) Noise Stage. This only applies to turbojet airplanes with a maximum weight of more than 75,000 pounds; otherwise, select "N/A." Select the aircraft noise stage III, IV, or V. Evidence of noise stage should be from approved aircraft documentation, such as a noise certificate if issued, Airplane Flight Manual (AFM), or other document issued by the State of Registry.

9) Additional Aircraft Information. Enter, select, or check other information about the aircraft as appropriate to the AOC and the aircraft used. These include Class of Operation (for example: Multiengine Land, Single-Engine Land (SEL), Multiengine Sea (MES), Single-Engine Sea (SES), etc.) The "Authorizations" section should have appropriate authorizations assigned (e.g., CAT II or CAT III) for each aircraft entry. These aircraft authorizations do not populate in OpSpec A003 but are required for the M/M/S authorization and issuance of related OpSpecs.

10) Data Communications (Data Comm). The FAA has made Controller-Pilot Data Link Communications (CPDLC) available using Future Air Navigation System 1/A (FANS 1/A). This includes en route CPDLC and Departure Clearance (DCL) at various airports within the United States. This is a supplemental means to voice communication between pilots and ATC. Title 14 CFR part 129 air carriers seeking to conduct U.S. domestic CPDLC may need to be reminded that prior to filing their flight plans, they must meet the required avionics requirements of the program and fill out an equipage form to show avionics acceptability with L3Harris (refer to recommended action in Information for Operators (InFO) 23008, The Federal Aviation Administration (FAA) Policy Change for United States (U.S.) Domestic Data Link Operations).

Note: AC 90-117, Data Link Communications, contains the requirements for en route in U.S. airspace as well.

c) Adding or Deleting an Aircraft. ASIs must instruct a foreign air carrier wishing to add or delete an aircraft to its 14 CFR part 129 OpSpecs to submit a letter or electronic transmittal to their assigned FAA office. The foreign air carrier should address the letter or email to their PI, as

listed in OpSpec A001, requesting the aircraft addition or deletion. The PIs assigned to the foreign air carrier must obtain and review the following documents prior to adding an aircraft to the foreign air carrier's OpSpecs:

1) A copy of the State of the Operator-issued OpSpecs/Air Carrier Certificate or other document, reflecting that the proposed aircraft is authorized for the proposed type of operation by the State of the Operator.

2) If applicable, any aircraft wet lease agreement or interchange arrangement. The wet lease agreement or interchange arrangement must address who is responsible for aircraft maintenance, operational control, flightcrew and cabin crew responsibility, etc.

3) Approvals of the State of the Operator and State of Registry relating to the aircraft maintenance programs. OpSpec A003 and ICAO Annex 6 establish that the aircraft's airworthiness certification must be in accordance with a comprehensive and detailed national airworthiness requirement. There is no need to obtain a copy of the entire maintenance program, just the approval page. Coordinate with AFS-50 if either of the following applies:

a. The aircraft that the foreign air carrier wants to add to its operations to the United States is registered in a country (which may not be the State of the Operator) that is IASA CAT 2 (or has not been assessed by the FAA).

b. The Airworthiness Certificate for the aircraft that the foreign air carrier wants to add to its operations to the United States does not contain an issued statement in accordance with ICAO Annex 8.

4) The following aircraft-specific documentation showing approval from the State of the Operator and State of Registry and/or compliance by the foreign air carrier, as applicable:

a. The C of A and Certificate of Registration (C of R) issued by the State of Registry or the State of the Operator in the case of an existing Article 83 *bis* agreement (see Volume 12, Chapter 3, Section 5).

b. If the aircraft is subject to an Article 83 *bis* agreement, review the Article 83 *bis* agreement and ensure agreement registration with ICAO.

c. Noise stage compliance for each applicable aircraft.

d. Documentation that flight deck door security requirements have been met in accordance with 14 CFR § 129.28.

e. If the operator was determined by the TSA as not needing a TSA security program (see OpSpec A001, subparagraph g)), then prior to adding any new M/M aircraft or configuration change, the foreign air carrier needs to reach out to the TSA and obtain documentation of the TSA's determination that the new aircraft does not require them to have an approved TSA security program. This documentation needs to be shared with the responsible PI(s).

f. Aircraft configuration information showing the State of Registry and/or State of the Operator-approved aircraft configurations. PIs must select “All Cargo,” “Combi,” “Passenger,” or “Pax and Cargo” based on the main cabin.

g. The foreign air carrier has each required approval from the State of the Operator’s CAA for specific operations.

1. These operations include: CAT II, CAT III, instrument landing system (ILS)/precision runway monitor (PRM), Required Navigation Performance Authorization Required (RNP AR) or restricted CAT II/III approaches, Low Visibility Take-Off (LVTO) minima, land-and-hold-short operations (LAHSO), etc., authorized in the OpSpecs.

2. Some authorizations will require the issuance of additional OpSpecs. If the PI already has documentation that the criteria used by the State of the Operator’s CAA for a particular approval is acceptable to the FAA, then the criteria documentation does not need to be resubmitted unless:

- The State of the Operator’s CAA changed the criteria;
- The State of the Operator’s CAA uses different criteria for the aircraft the foreign air carrier requested to operate to the United States; or
- The responsible PI is not in possession of documentation referencing the State of the Operator’s CAA criteria that was already determined to be acceptable to the FAA.

h. Office of the Secretary of Transportation (OST) Form 6411, Foreign Air Carriers - Certificate of Insurance. Refer to the “Maintain Operator Data”—“Insurance” page of OPSS for the foreign air carrier to verify that the foreign air carrier’s insurance company has filed a properly completed OST Form 6411 indicating that the additional aircraft have required insurance coverage.

1. If the foreign air carrier has an “Approved (Active)” policy with blanket coverage for all aircraft (i.e., the column labeled “Blanket” in the insurance interface will indicate “True”), then additional aircraft added to the foreign air carrier will be covered.

Note: Blanket coverage policy is indicated by the insurance company designating “Operations conducted with all aircraft operated by the insured” in section 3 of OST Form 6411.

2. If the foreign air carrier does not have a blanket coverage policy, click on the policy number links listed in “Policy Number” column for policies with “Approved (Active)” status (as listed in the “Status” column). Each link will provide details of the aircraft covered by that specific policy. Aircraft not identified as covered by an “Approved (Active)” policy must not be added to A003.

3. If additional questions exist about insurance coverage (e.g., no insurance information in OPSS for the operator), contact an insurance analyst in the Integration and Implementation Group (AFS-260), Technical Programs Section by email at AFS-260-Insurance@faa.gov.

4. Additional information, to include a link to a copy of OST Form 6411, may be located at https://www.faa.gov/about/office_org/headquarters_offices/avs/offices/afx/afs/afs200/afs260/exemptions/.

i. A statement from the foreign air carrier (e.g., Foreign AOC, Airworthiness Certificates) that the aircraft meets the aircraft equipment requirements of ICAO Annex 6, Part I for airplanes, or Part III for helicopters, as appropriate. (Refer to 14 CFR § 129.5(b).) The following exception applies: A foreign air carrier whose aircraft does not meet the aircraft equipment requirements of ICAO Annex 6 must apply for and receive an exemption from the Administrator in accordance with 14 CFR part 11 before the aircraft can be added to the foreign air carrier's 14 CFR part 129 OpSpecs.

j. For aircraft M/M/S authorized in OpSpec C048, C059, or C060, documentation verifying that the individual aircraft is 5G C-Band radio altimeter tolerant. PIs may accept documentation showing that the State of the Operator has adopted the FAA AD requirements for 5G C-Band, or AFM excerpts, supplements, or other manufacturer documentation showing that the aircraft is 5G C-Band radio altimeter tolerant. If the aircraft is not 5G C-Band radio altimeter tolerant, see additional documentation information in Volume 12, Chapter 4, Section 4.

5) Obtain and review aircraft-specific documentation for each U.S.-registered aircraft to verify the following:

a. For U.S.-registered aircraft, approval of the aircraft maintenance program and MEL by the FAA in accordance with 14 CFR part 129.

Note: Documents that apply to multiple aircraft (have already been reviewed for another applicable aircraft already on A003) do not have to be reviewed again for subsequent aircraft. For example, if all airplane types are covered by a fleet MEL and another aircraft of the same type is added, the MEL does not need to be reviewed again. The option to review will rest with the responsible IFO. An instance when it would be advisable to review the records would be if the previously reviewed records were no longer available.

b. The foreign air carrier has complied with supplemental inspection requirements for U.S.-registered aircraft in accordance with 14 CFR part 129, as applicable.

c. Digital flight data recorder (DFDR) installation is in accordance with 14 CFR part 129.

d. The foreign air carrier has complied with special maintenance program requirements in accordance with 14 CFR part 129, as applicable.

e. The foreign air carrier has complied with aging airplane inspections and records reviews for multiengine aircraft in accordance with 14 CFR part 129, as applicable.

6) Environmental Review. The lower the noise stage of an aircraft, the louder/higher the aircraft noise will be (e.g., noise stage III aircraft is louder than noise stage IV aircraft). If the foreign air carrier proposes to add new aircraft that is noisier than the aircraft already listed on A003, then:

- a. See Volume 11, Chapter 6 for guidance on environmental reviews; and
- b. For a checklist of the information needed by AFS-830 for an environmental review, refer to the document in OPSS for A003 by clicking the “Guidance” button and locating the document in the Guidance pop-up window titled, “OpSpecs Environmental Reviews.”

7) Addition of Same Aircraft to OpSpec A003. Amendments for the addition of the same M/M/S of aircraft for foreign air carriers from IASA CAT 1 countries that are not issued within 15 business days of receipt of a completed application must be reported electronically to the IFO manager for coordination with the Office of Safety Standards (OSS), if required.

- a. The report must specify the name of the foreign air carrier or person making the requested amendment, the reason that the request could not be processed within 15 business days, and when the responsible IFO expects to complete processing.

- b. This 15-business-day report requirement does not apply if the aircraft being added is not registered in the State of the Operator of the foreign air carrier requesting the amendment.

- d) Limitations. The PI must select only the applicable limitations to the foreign air carrier’s operations.

- e) IFR En Route Operations in U.S. Airspace Using Area Navigation (RNAV) Systems.

- 1) General. The FAA authorizes an operator to conduct IFR en route operations within the United States using an RNAV system in accordance with 14 CFR § 129.17 by issuance of OpSpec A003. The RNAV system must be installed in accordance with approved data and be operational except in accordance with an approved MEL.

- 2) Criteria Acceptable to the FAA. The FAA criteria for authorizing IFR en route operations within the United States using an RNAV system are in accordance with, but not limited to, the following:

- a. ICAO Doc 9613, Performance-Based Navigation (PBN) Manual.

- b. Joint Aviation Authority (JAA) Temporary Guidance Leaflet (TGL) Number 10, Airworthiness and Operational Approval for Precision RNAV Operations in Designated European Airspace.

- c. If adopted by the CAA, equivalent standards to AC 20-138, Airworthiness Approval of Positioning and Navigation Systems, and AC 90-110, Service Provider Authorization Guidance for Public Performance Based Instrument Flight Procedures (IFPs).

Note: PIs must coordinate all acceptable criteria other than that specified in subparagraphs b)1) and 2) with AFS-50, who will coordinate with the Flight Technologies and Procedures Division (AFS-400), as appropriate.

- 3) Foreign Air Carrier Actions. A foreign air carrier applying to the FAA for IFR en route operations within the United States using an RNAV system must provide the

responsible IFO with evidence that the State of the Operator has approved the foreign air carrier for this operation. The approval must include:

- a. A statement from the State of the Operator's CAA stating:
 - That the foreign air carrier is approved for en route navigation using RNAV in accordance with XXXX (e.g., ICAO Doc 9613) criteria;
 - That the aircraft and aircraft equipment are eligible and approved for en route navigation using RNAV; and
 - That the flightcrews are trained in procedures for en route navigation using RNAV.
- b. RNAV system M/M, and part number(s) approved.
- c. Any other pertinent information.

Note: The FAA and PIs are not responsible for evaluating a foreign air carrier's training program. Air carrier training programs are evaluated and approved by the State of the Operator's CAA. PIs may accept equipment eligibility that has been determined eligible and approved by a foreign air carrier's CAA when it is also documented by the AFM or other FAA-recognized means.

4) PI Actions. After the Principal Operations Inspector (POI) and Principal Avionics Inspector (PAI) have reviewed all of the documents provided by the foreign air carrier and agree that the foreign air carrier has been authorized by the State of the Operator's CAA in accordance with acceptable criteria to the FAA, the foreign air carrier may be authorized for IFR en route operations within the United States using an RNAV system, as long as the ability to "proceed safely" as described below is verified.

- a. The Aeronautical Information Manual (AIM) (in Paragraph 1-1-17, Global Positioning System (GPS)), clarifies that dual GPS installations are not considered to be "independent" navigation systems for non-extended overwater operations. Language in 14 CFR § 129.17 allows use of a single navigation system if the "other independent navigation system" is suitable for "proceeding safely."

- b. For single RNAV installations, or for RNAV installations that only rely on GPS (no inertial navigation system (INS)), inspectors should confirm that operators would be able to "proceed safely," in accordance with 14 CFR § 129.17(c)(1). If unable to revert to Navigational Aids (NAVAID) immediately, this would require training and procedures on dead reckoning. AC 91-70, Oceanic and Remote Continental Airspace Operations, provides guidance on dead reckoning, including a list of topics with which operators that rely on dead reckoning procedures should be familiar.

Note: When authorizing the foreign air carrier for IFR en route operations within the United States using an RNAV system, inspectors must ensure the operator has OpSpec A002,

revision 02c or later, issued. The updated A002 includes the definition of “One-Hour Reliable Fix (1HRF) Operations.”

5) Q-Routes. Q-routes can be flown using GPS or distance measuring equipment (DME)/DME/Inertial Reference Unit (IRU). In some cases, sufficient ground-based navigation sources are inadequate/unavailable to support DME/DME/IRU operations. When this occurs, the route must be annotated “GNSS REQUIRED.” Q-route procedures require the aircraft’s track-keeping accuracy remain bounded by +/- 2 nautical miles (NM) for 95 percent of the total flight time. Unless the RNAV route specifically requires GPS or Global Navigation Satellite System (GNSS) equipage, aircraft on the RNAV route must be within Air Traffic Services (ATS) surveillance (radar and/or Automatic Dependent Surveillance-Broadcast (ADS-B)) and communication (except for operations in Alaska).

6) Technical Standard Orders (TSO). RNAV aircraft is equipped in accordance with:

a. For the lower 48 states Q- or T-routes, one of the following:

1. TSO-C145, Airborne Navigation Sensors Using the Global Positioning System Augmented by the Satellite Based Augmentation System (SBAS);

2. TSO-C146, Stand-Alone Airborne Navigation Equipment Using the Global Positioning System Augmented by the Satellite Based Augmentation System (SBAS); or

3. TSO-C196, Airborne Supplemental Navigation Sensors for Global Positioning System Equipment Using Aircraft-Based Augmentation.

b. For Q-routes in Alaska, any of the three TSOs listed above (same as those for the lower 48 states).

c. For T-routes in Alaska, per Special Federal Aviation Regulation (SFAR) 97, Special Operating Rules for the Conduct of Instrument Flight Rules (IFR) Area Navigation (RNAV) Operations Using Global Positioning Systems (GPS) in Alaska, either of the following:

1. TSO-C145; or

2. TSO-C146.

Note: Q-routes in the Gulf of America are not in U.S. sovereign airspace.

7) Y- or T-Routes. Y-routes are RNAV routes between Florida and Puerto Rico through the area known as the West Atlantic Route System (WATRS). They were previously referred to as T-routes, but the letter T is now being used exclusively for terminal operations. Although FAA ATC provides ATS in the WATRS, this is international airspace (not U.S. sovereign airspace), and as such, the FAA does not issue OpSpecs. A foreign air carrier who wants to operate in this airspace should consult the Aeronautical Information Publication (AIP) for requirements and get approval/authorization from their CAA.

8) Gulf of America. The Gulf of America is in international waters. Oceanic airspace is divided into oceanic control areas (OCA) and delegated to a controlling authority bordering that region. The division among authorities is done by international agreement through ICAO.

a. For the Gulf of America, U.S. air traffic controls the northern part of the Gulf, Mexico's air traffic controls the southern portion, and Cuba's air traffic controls the eastern tip. All operators must be approved by their State of the Operator (per ICAO Annex 6) to transit any part of the world (to include the Gulf of America) safely.

b. Operators are responsible for reviewing and complying with the AIP of each State. Following is a link to the U.S. AIP on the Air Traffic Plans and Publications website at https://www.faa.gov/air_traffic/publications/. Information about conducting operations on Q-routes in the Gulf of America, including equipment eligibility requirements, can be found in the U.S. AIP, Part 2—En Route (ENR), ENR 7.14.

OPSPEC A004—SUMMARY OF SPECIAL AUTHORIZATIONS, LIMITATIONS AND RESTRICTIONS (REQUIRED FOR ALL AIR CARRIERS).

a) Purpose. OpSpec A004 summarizes optional authorizations applicable to the foreign air carrier issued by OpSpecs. It also summarizes limitations and restrictions that apply to the foreign air carrier's operations within the United States. Although A004 is completed automatically by WebOPSS when related OpSpec paragraphs are moved into the workspace, PIs can use it as a checklist in selecting other optional OpSpec paragraphs for issuance in WebOPSS.

b) Procedure. Optional OpSpec paragraphs can be selected in the workspace by checking the blocks for the associated authorizations, limitations, or restrictions. These optional OpSpec paragraphs will be generated in the workspace.

OPSPEC A005—EXEMPTIONS AND DEVIATIONS (OPTIONAL).

a) General. Both exemptions and deviations may be authorized for a foreign air carrier. In order for a foreign air carrier to conduct operations under the provisions of any exemption or deviation, A005 must be issued and list the exemption or deviation. Volume 3, Chapter 2 contains the process for application and approval of exemptions or deviations.

b) Exemptions.

1) In the left navigation area, under "CHDO," "Maintain Operator Data," "Exemptions," find the exemption in the "Available Exemptions" list and assign using the down arrow.

2) In the space labeled "Remark" (referencing each exemption), use the "Edit Remark" button to enter a brief description of the exemption or, if appropriate, the exempted regulations.

3) If another OpSpec specifies certain conditions or limitations related to the exemption, enter the reference number of the other OpSpecs in this space.

4) Coordinate all exemptions with the International Program Division prior to authorization in the foreign air carrier's OpSpecs.

c) Deviations. All deviations must be first selected in WebOPSS in the left navigation area, under “CHDO,” “Maintain Operator Data,” “Deviations.”

1) In the left navigation area, under “CHDO,” “Maintain Operator Data,” “Deviations,” find the deviation in the “Available Deviations” list and assign using the down arrow.

2) When prompted, enter the conditions and limitations for the deviation in the text box.

3) Coordinate all deviations with the International Program Division prior to authorization in the foreign air carrier’s OpSpecs.

OPSPEC A006—FOREIGN AIR CARRIER’S PERSONNEL, DESIGNATED AGENT, AND OTHER PERSONS (REQUIRED FOR ALL AIR CARRIERS).

a) General. OpSpec A006 identifies the following individuals: the foreign air carrier’s management personnel, personnel designated to officially apply for and receive OpSpecs, the agent for service, and the responsible government official.

b) Instructions for the Information Fields. The following provides direction for the required information fields to this paragraph:

1) Management Personnel.

a. First, enter foreign air carrier management information into WebOPSS in the left navigation area under “CHDO,” “Maintain Operator Data,” “Personnel.”

1. If designated by the operator, enter the names of the Director of Maintenance (DOM), Director of Operations (DO), Director of Quality Assurance (DQA), Director of Safety (DOS), and Chief Pilot.

2. If foreign equivalent titles that fulfill similar responsibilities are used, select (in the “FAA Recognized Position Title” field) the title default of “(Not Applicable)” and enter the equivalent title in the “Equivalent Position Title” field. Check the box for “Management Personnel (A006).” Once that is accomplished, moving the template from “available” to “workspace” will cause the information to be loaded automatically into the table in A006 subparagraph a. The telephone, fax, and email will need to be entered manually into A006 (once the A006 template is in “workspace”).

b. There is no regulatory requirement for the FAA to approve foreign air carrier management personnel, nor is it within the FAA’s authority to approve foreign air carrier management personnel.

c. A006’s intent is to clearly identify the air carrier’s key management personnel who are fulfilling management positions in accordance with the foreign air carrier’s own requirements as well as any that are imposed by the State of the Operator CAA.

2) Operations Representative. A006 subparagraph b should include the foreign air carrier's primary representative for all contacts regarding the foreign air carrier's OpSpecs and foreign air transportation operations within the United States.

a. Manually type the name, address, title, telephone number, fax, and email of the operations representative. Some foreign air carriers will have a management representative in the United States (for example, a manager of U.S. operations).

b. If the foreign air carrier does not have a management representative within the United States, enter information for the operations representative located outside the United States.

3) Agent for Service.

a. An agent for service is a person or company designated by the foreign air carrier upon whom all legal notices, processes and orders, decisions, and requirements of the DOT, the FAA, and the National Transportation Safety Board (NTSB) will be served. When serving any of these documents upon the foreign air carrier's agent for service, the foreign air carrier cannot claim (legally) that it did not receive the documents. Title 49 of the United States Code (49 U.S.C.) § 46103(a) requires foreign air carriers to designate an agent for service.

b. A006 subparagraph c will include the agent's full name and office address or usual place of residence of the air carrier's agent for service. If deemed necessary for correspondence purposes, include other information such as telephone number or email address.

1. Enter the agent for service information into WebOPSS in the left navigation area under "CHDO," "Maintain Operator Data," "Personnel." Check the box for "Agent for Service."

2. If the agent for service is also designated by the foreign air carrier as authorized to apply for and receive OpSpecs, then the "Other Designated Persons (A007)" box also needs to be checked (see subparagraph b)4) for more details).

3. Once that is accomplished, moving the template from "available" to "workspace" will cause the "Name" and "Address" information to be loaded into A006 automatically. Manually enter the remaining contact information if appropriate.

4) Personnel Designated to Apply for and Receive OpSpecs. A006 subparagraph d should include the name, title, and parts authorized of persons designated by the foreign air carrier as authorized to apply for and receive OpSpecs.

a. Enter the persons signing the OpSpecs first into WebOPSS in the left navigation area under "CHDO," "Maintain Operator Data," "Personnel."

b. Check the "Other Designated Persons (A007)" box for personnel type.

c. Also, check the boxes for the OpSpec parts for which the designated person is responsible.

d. Once that is accomplished, moving the template from “available” to “workspace” will cause the information to be loaded into the OpSpec automatically.

5) Responsible State Government Official. A006 subparagraph e should include the name, address, title, telephone number(s), fax, and email(s) of the foreign CAA official responsible for issuing the AOC and for ensuring continuing oversight of the foreign air carrier. These fields are text fields that require manual entry. For those unique instances in which the responsible official requested the FAA communicate via the responsible State government official’s private email, responsible PIs:

a. Must also request and include the responsible State government official’s government email on each communication. Exceptions will need to be verified. For example, Civil Aviation Authority of China (CAAC) officials routinely use nongovernment accounts to communicate outside of China or with non-Chinese government email addresses since their government email account is either not authorized or not configured for such.

b. Must keep a record of the State government official’s request and rationale for using the personal email in the operator’s file or OpSpec email field while in use.

c. Must continue to communicate with the State government official only using their official (faa.gov) email account. FAA employees are not permitted to conduct official business on their personal email accounts.

d. Must amend the email field and stop using the responsible State government official’s private email when advised that the rationale for using the personal email no longer exists.

c) Safety Alerts for Operators (SAFO) and InFOs. All operators may go to the FAA website (www.faa.gov) to subscribe to SAFOs and InFOs. Once on the website, they must provide their email address to subscribe. Operators have the primary responsibility for obtaining SAFOs and InFOs. PIs should not take on this primary role. PIs are encouraged to advise their foreign air carriers and foreign persons of SAFO and InFO subscription availability.

OPSPEC A008—IASA CATEGORY 2 OPERATIONAL RESTRICTIONS, OPERATIONAL CONTROL, AERONAUTICAL WEATHER, AND AIRPORT AERONAUTICAL DATA (REQUIRED TO BE ISSUED ONLY FOR PART 129 AIR CARRIERS FROM IASA CAT 2 COUNTRIES).

a) General. OpSpec A008 must be issued by the responsible IFO to any foreign air carrier conducting operations to the United States under part 129, when the FAA determines under the IASA Program that the State of the Operator does not oversee civil aviation safety in accordance with minimum international standards. Such countries are placed in IASA CAT 2. Foreign air carriers with existing operations to the United States will be permitted by the FAA to continue operations at current levels under heightened FAA surveillance. The FAA does not permit expansion or changes in services to the United States by such carriers while their home country is in CAT 2 status. Issuance of A008 must be coordinated with the AFS-50 division manager.

Note: Additional information on the FAA's IASA Program, including a country's IASA category, is found on the FAA website at <https://www.faa.gov/about/initiatives/iasa>. For FAA policy information, see Volume 12, Chapter 2, Section 1.

b) Recency of Operations. If no operations were conducted to the United States in the 6 calendar months prior to the month in which their home country was determined to be CAT 2, the responsible IFO should begin the process of withdrawing the foreign air carrier's part 129 OpSpecs instead of issuing this paragraph. That process should only begin after consultation with the AFS-50 division manager.

c) New Services. The FAA will permit new services only if operated using aircraft wet leased from a duly authorized and properly supervised U.S. air carrier or a foreign air carrier from an IASA CAT 1 country that is authorized to serve the United States using its own aircraft under part 129. Those operations are not restricted by A008.

d) Special Authorizations. Foreign air carrier Special Authorizations include CAT II/III, ILS/PRM, LAHSO, Reduced Vertical Separation Minimum (RVSM), etc. Special Authorizations requiring initial approval, acceptance, authorization, and/or continued oversight by the foreign air carrier's CAA must be reviewed by the responsible IFO. The review will determine if adequate oversight by the foreign air carrier's CAA is occurring on a continuous basis. If it is determined that adequate oversight is not occurring, the IFO should consider an amendment to withdraw those Special Authorizations from the foreign air carrier's OpSpecs. Initiate the amendment only after consultation and clearance by the AFS-50 division manager.

e) Additional Aircraft and Special Authorizations. On or after the date that the foreign air carrier's State was determined to be IASA CAT 2, no additional aircraft (including substitution of aircraft) or Special Authorizations may be added to these OpSpecs except as follows:

1) Through the issuance of OpSpec A028, authorizing the foreign air carrier to conduct operations under a wet lease agreement with a duly authorized and properly supervised U.S. air carrier (lessor), or foreign air carrier (lessor) from an IASA CAT 1 country authorized to serve the United States using the lessor's aircraft and crewmembers required for aircraft operation; or

2) With written approval from the AFS-50 division manager or designated representative. The foreign air carrier should submit sufficient documentation to the responsible ASI so that they are able to evaluate whether the request is in the interest of safety. The responsible ASI must review the submitted documentation and provide a recommendation based on their risk assessment to IFO management, who will likewise review and provide recommendation to the AFS-50 division manager or designated representative.

Note: Additional aircraft must be for the same M/M/S and configuration of aircraft, typically for inspection, maintenance, or alterations. The Special Authorization must be in the interest of safety. See Volume 12, Chapter 2, Section 1 for additional details.

f) Scheduled Operations. In order to maintain operations at current levels for foreign air carriers of CAT 2 countries, each foreign airport from which the foreign air carrier provides

scheduled service to the United States must be listed in OpSpec A008, Table 1, Scheduled Operations—Routing and Frequency Authorized. See Figure 4-2A, Sample A008 Table 1 – Scheduled Operations—Routing and Frequency Authorized, for an example of a city pairing and frequency restriction.

1) The foreign air carrier must have provided scheduled service to the listed city pairs either at the time their home country was determined to be CAT 2, or for seasonal operators during the 12 calendar months prior to the date their home country was announced to be CAT 2.

2) The foreign air carrier must also be limited to the frequency operated to those city pairs at the time of the announcement or for seasonal operators during the 12 calendar months prior to the CAT 2 announcement.

3) A008 limits the foreign air carrier’s scheduled operations to the United States to those city pairs and frequency. If the carrier’s home country once again obtains IASA CAT 1 status, A008 will be decommissioned (the city pair and frequency limitation removed).

Figure 4-2A. Sample A008 Table 1 – Scheduled Operations—Routing and Frequency Authorized

| Routing, Including Cities and ICAO Airport ID(s) | Frequency |
|--|--------------|
| KMIA Miami, Florida—MTPP Port au Prince, Haiti | Seven weekly |

g) Nonscheduled Operations. When a foreign air carrier’s home country is determined to be in IASA CAT 2, the FAA restricts the foreign air carrier’s nonscheduled operations to the geographic areas to which operations were conducted and frequency of operation during the 12 calendar months prior to the CAT 2 announcement. See Figure 4-2B, Sample A008 Table 2 – Nonscheduled Operations, for an example of a geographic area and frequency restriction.

1) Each U.S. geographic area to which the foreign air carrier provides nonscheduled service to the United States and the frequency of that nonscheduled service over the preceding 12 months must be listed in Table 2 of OpSpec A008. The PI must review the DOT’s economic authority prior to counting operations between two U.S. cities toward frequency. Operations between two U.S. cities are considered cabotage and only permitted by the DOT and OST in certain circumstances (e.g., XXX cargo air carrier operates aircraft that provide a lift capacity that no U.S. certificate holder (CH) can provide). Refer to 49 U.S.C. § 41703.

2) If the carrier’s home country once again obtains IASA CAT 1 status, A008 will be withdrawn by the responsible Flight Standards office. The applicable geographic areas are only those that also are listed in OpSpec A001. To list the areas of geographic authorization, the responsible Flight Standards office accomplishes the following:

a. Obtain the list of areas of en route operation. The WebOPSS guidance subsystem contains detailed information on geographical areas. The available areas authorized for issuance to a foreign air carrier in part 129 OpSpecs are:

- USA – The 48 Contiguous United States and the District of Columbia,
- USA – The Commonwealth of Puerto Rico,
- USA – The Commonwealth of the Northern Mariana Islands,
- USA – The State of Alaska,
- USA – The State of Hawaii,
- USA – The Territory of American Samoa,
- USA – The Territory of Guam, and
- USA – The Territory of the U.S. Virgin Islands.

b. Select the individual areas of en route operations to be authorized. If the foreign air carrier was not authorized for nonscheduled operations, then select “Not Authorized.”

Figure 4-2B. Sample A008 Table 2 – Nonscheduled Operations

| United States Geographic Areas | Number of Flight Segments |
|--|---------------------------|
| USA—The 48 Contiguous United States and the District of Columbia | 6 flights per year |

h) Operational Control, Aeronautical Weather, and Airport Data. Operational control, aeronautical weather, and airport data is a requirement for all operators under ICAO Annex 6. When the FAA determines (under IASA) that the State of the Operator does not oversee civil aviation safety in accordance with minimum international standards and assigns a CAT 2 rating, the FAA may amend the part 129 OpSpecs for foreign air carriers issued an AOC by these countries. The FAA does not require that operational control, aeronautical weather, and airport data be captured for foreign air carriers assessed under IASA as being from a CAT 1 country because the FAA has determined that the State of the Operator oversees civil aviation safety in accordance with minimum international standards. Refer to part 129, § 129.11.

i) ICAO Annex 6 Standards.

1) The FAA issues OpSpec A008 to ensure that each part 129 foreign air carrier under the oversight of an IASA CAT 2 country is operating within the United States in accordance with the ICAO Annex 6 safety standards for operational control, aeronautical weather, and airport data, and ensures that those requirements are:

a. Contained in the manual required by ICAO Annex 6 (refer to Part I, paragraph 4.2.3 for airplanes, and Part III, paragraph 2.2.3 for helicopters) that has been accepted or approved by the foreign air carrier’s State CAA; and

b. Described or referenced in A008, preferably by the manual or sections of a foreign air carrier’s manual.

2) When the foreign air carrier's manual does not adequately describe the system or procedures used:

a. The foreign air carrier provides a narrative description combined with references and enters it in A008. The narrative description should be brief. It should provide sufficient information so that the FAA and the foreign air carrier have the same understanding about the system or procedures used by the foreign air carrier.

b. The foreign air carrier must inform their assigned FAA PI within the responsible Flight Standards office, as listed in OpSpec A001, of any changes when they occur.

j) Operational Control. A dispatch organization or method of flight supervision may provide operational control. The description of the systems or procedures for controlling flight movement, as described in the foreign air carrier's manual and referenced or described in A008, should include the following types of information, as appropriate to the kind of operation:

- Methods and procedures for initiating, diverting, and terminating flights.
- Persons or duty positions authorized to, and responsible for, exercise of operational control.
- Facilities and location of facilities used by the foreign air carrier in the exercise of operational control. A method of control and supervision of flight operations is covered in ICAO Annex 6 (refer to Part I, paragraph 4.2.1.3 for airplanes, and Part III, paragraph 2.2.1.3 for helicopters).

Note: ICAO defines operational control as “the exercise of authority over the initiation, continuation, diversion or termination of a flight in the interest of the safety of the aircraft and the regularity and efficiency of the flight.”

- Communication systems and procedures used by the foreign air carrier.
- Special coordination methods and/or procedures used by the foreign air carrier to ensure that the aircraft is airworthy.
- Emergency notification procedures.

k) Aeronautical Weather Data. The foreign air carrier is required to have a system of obtaining and disseminating weather data (refer to ICAO Annex 6, Part I, paragraph 4.3.5 for airplanes, and Part III, paragraph 2.3.5 for helicopters) so that prior to takeoff the operator has a means of determining that:

1) A flight that is to be conducted under VFR can remain under VFR; and

2) A flight that is to be conducted under IFR has the weather minima necessary to make a landing at the destination airport or, if required, the alternate airport. At least one alternate airport (if required) at the ETA must have the weather at or above the airport operating minima.

l) Airport Aeronautical Data. The data required, in accordance with ICAO Annex 6, is comprised of at least the following types of airport aeronautical data:

1) Current Aeronautical Guides and Charts. Information relating to communication facilities, Navigational Aids (NAVAID), aerodromes, and other such information are found in ICAO Annex 6, Part I, paragraph 6.2.3, and Appendices 2 and 6.

2) Minimum Flight Altitudes. The method for determining minimum flight altitudes for each route to be flown (refer to ICAO Annex 6, Part I, paragraph 4.2.7).

3) Aerodrome Operating Minima. Aerodrome operating minima must be applicable to the type of operation as specified in ICAO Annex 6, Part I, paragraph 4.2.8. Consideration will be given in establishing such minima for the following:

- a. Airplane type, performance, and handling characteristics;
- b. Flightcrew composition and experience;
- c. Runways to be used;
- d. Adequacy and performance of the available visual and nonvisual ground aids;
- e. Airplane navigation equipment to the type of operation; and
- f. Obstacle clearance altitudes for landing, missed approach, and climb.

OPSPEC A024—AIR AMBULANCE OPERATIONS. DECOMMISSIONED.

OPSPEC A026. DECOMMISSIONED.

OPSPEC A027—LAND-AND-HOLD-SHORT OPERATIONS (LAHSO) (OPTIONAL).

a) General. OpSpec A027 authorizes LAHSO for foreign air carriers operating under part 129, after requirements for operational policies, procedures, and training for LAHSO have been met. No foreign air carrier may participate in LAHSO unless it has accomplished flightcrew training. The information contained in A027 is critical to the safety of LAHSO and will be used in conjunction with FAA Order JO 7110.118, Land and Hold Short Operations (LAHSO).

b) Requirements. The Principal Operations Inspector (POI) must instruct the foreign air carrier to provide documentation that:

1) The foreign air carrier's CAA has authorized the foreign air carrier to conduct LAHSO.

2) The foreign air carrier's flightcrew members are qualified to conduct LAHSO under the CAA-approved training and checking program.

3) The foreign air carrier's aircraft performance data, approved by the foreign CAA, shows the landing and stopping capabilities of the aircraft meet the requirements in the OpSpec.

4) The foreign air carrier will ensure that English-speaking flightcrews are at the controls of the aircraft when the LAHSO clearance is accepted.

c) Special Procedures. OpSpec A027, subparagraph c must list a manual or authorization reference to describe any special procedures imposed by either the foreign CAA or a U.S. airport for LAHSO operations.

OPSPEC A028—AIRCRAFT WET LEASE AGREEMENTS (REQUIRED FOR DOT-APPROVED LONG-TERM WET LEASES).

a) General. OpSpec A028 is issued to any foreign air carrier conducting operations within the United States under any long-term (more than 60 calendar-days in duration or a continuing series of leases for more than 60 calendar-days) aircraft wet lease agreements approved by the DOT.

- Section 129.9(a)(7) addresses the requirement to include “any other item the Administrator determines is necessary.” This section provides a means to require that OpSpec A028 be issued for purposes of tracking wet lease operations.
- A028 promotes the same understanding between the FAA and foreign air carriers concerning their aircraft wet lease agreements.
- A028 requires ASI review of the wet lease agreements and authorization of operational use of the wet leased equipment through OpSpec authorization.
- Volume 12, Chapter 3, Section 2 contains complete information on wet lease agreements for foreign air carriers and should be reviewed prior to issuing A028.
- Volume 12, Chapter 2, Section 1 and Volume 12, Chapter 4, Section 4, OpSpec C083 contain additional guidance for IASA CAT 2 foreign air carriers and should be reviewed if the lease involves a foreign air carrier with an AOC issued by a country assessed by the FAA as IASA CAT 2.

1) When a wet lease to serve the United States is authorized for two air carriers, the air carrier with operational control must hold appropriate economic authority, regardless of whether the lease is between a U.S. and foreign air carrier or two foreign air carriers.

a. If the wet lease is between a U.S. air carrier and a foreign air carrier, FAA policy requires that the U.S. air carrier must have operational control and must have economic authority for the wet lease.

b. If the wet lease is between two foreign air carriers, in accordance with part 218, the carrier with operational control must have economic authority.

Note: A wet lease may also be referred to as a damp lease (an ICAO term) or an Aircraft, Crew, Maintenance, and Insurance (ACMI) lease. The FAA considers these wet-type leases. All requirements associated with an A028 authorized wet lease apply, including economic authority and operational control. A damp lease is described in Volume 12, Chapter 3, Section 2.

2) When a long-term wet lease agreement is authorized (for greater than 60 calendar-days, or for a continuing series of leases for more than 60 calendar-days, not to exceed 24 months), A028 is issued to both the lessor and the lessee, except as otherwise allowed

by this paragraph. (See subparagraph 3) below.) Only those foreign air carriers with FAA-issued OpSpecs receive A028.

3) If the foreign air carrier has more than one lease agreement, A028 must authorize all such agreements, except as stated in subparagraph c) below.

4) A determination must be made as to which carrier has operational control. See subparagraph a)1)a above.

5) A U.S. air carrier may not wet lease from a foreign air carrier.

6) See Volume 12, Chapter 3, Section 2 for additional guidance.

b) Requirements and Definitions.

1) For the purposes of these OpSpecs, a wet lease means any leasing arrangement whereby a person agrees to provide an entire aircraft and at least one crewmember. A wet lease does not include a code-sharing arrangement.

a. A wet lease requires that authorized officers of the two parties execute a written agreement between the lessor and the lessee.

b. A copy of the lease agreement must be provided to the responsible IFO along with the Statement of Authorization approved by the DOT. The foreign operator may request to provide only pertinent excerpts, which will be granted on a case-by-case basis after review by the FAA. If lease excerpts are allowed, they must be accomplished in a manner that will allow the FAA to determine that they are provided from the same lease. The full lease agreement, or excerpts to it, must contain the required pertinent information listed in subparagraph 2)a below.

c. Long-term wet leases must be reviewed by FAA legal counsel of the FS office with oversight responsibility for the U.S. air carrier when that air carrier is the lessor.

d. A valid wet lease agreement must be in force for the DOT approval period as shown in the DOT Statement of Authorization.

e. The only wet lease agreements that should be listed in A028 are long-term wet lease agreement(s) that are documented and authorized by the DOT. The DOT-documented authorizations are in the form of an approved Statement of Authorization.

2) Before issuing A028, PIs will review the terms and conditions of the appropriate wet lease agreement. This review will focus on the following specific information.

a. The wet lease agreement must specify:

1. The lessor and lessee;

2. The duration of the wet lease;

3. That the lessor has operational control and airworthiness responsibility;

4. Any associated procedures to be used during the wet lease operation;
 5. A signature showing that the appropriate management personnel representing both the lessor and lessee has signed and executed the lease;
 6. The date of execution; and
 7. Any additional information as requested by the responsible PI.
- b. A valid wet lease agreement must be in force only for the DOT approval period as shown in the DOT Statement of Authorization, unless a request for renewal exists pursuant to subparagraph 2)d below.
- c. OpSpec A028 will be revised by removing authorization for any wet lease agreement at the expiration of the DOT approval period in the Statement of Authorization or the expiration of the wet lease agreement (if not renewed and provided to the IFO), whichever occurs first.
- d. If renewal of the DOT authority has been requested prior to the expiration of the existing DOT authority, the wet lease may continue. Enter the phrase “DOT renewal applied for” in the box for the DOT order expiration date. Verification of DOT approval must be received.
- e. Any additional text added to A028 using the nonstandard text box makes the entire OpSpec nonstandard. Adding text to the nonstandard text box in A028 must be coordinated with AFS-50.
- c) A028 Completion. Under a wet lease agreement, the lessor always maintains operational and airworthiness responsibility of the aircraft. If it is any other way, then it is not a wet lease. A028 identifies the airline with operational control and for whom the lessor is conducting flights. Short-term wet leases (60 calendar-days or less, or a continuing series of wet leases 60 calendar-days or less) do not require documentation in OpSpec A028.
- Note:** For example, Operator X, a part 121 U.S. air carrier, leased aircraft under the wet lease to Operator Z, a part 129 foreign air carrier. Operator X flew Operator Z’s routes, used Operator Z’s call sign, etc. From the FAA’s perspective, these were flights over which Operator X had operational control.
- 1) For a short-term wet lease between a U.S. air carrier and a foreign air carrier, with the U.S. air carrier operating flights from a foreign country to the United States, no Statement of Authorization for the wet lease is normally approved by the DOT. In this case, the foreign air carrier may hold OpSpecs to serve the United States.
 - 2) For a short-term wet lease between two foreign air carriers from the same country, a Statement of Authorization may or may not be issued by the DOT, dependent on the current bilateral air transport agreement.

3) For a short-term wet lease between two foreign air carriers from different countries, generally subparagraph c)2) above applies. A scenario with two DOT-licensed European Union (EU) carriers engaged in a short-term wet lease will not require a Statement of Authorization.

OPSPEC A029—AIRCRAFT INTERCHANGE ARRANGEMENTS (OPTIONAL). The intent of OpSpec A029 is to promote the same understanding between two or more air carriers and the FAA concerning their aircraft interchange arrangements. A029 provides general direction and guidance for processing and authorizing aircraft interchange arrangements in OpSpecs. Complete information on aircraft interchange arrangements to include definitions for foreign air carriers is contained in Volume 12, Chapter 3, Section 2.

a) Discussion. An interchange arrangement is a form of a dry lease. An interchange arrangement permits one operator to connect two points using the same aircraft but each operator's crewmembers, thereby providing greater operational flexibility and utilization of transport category aircraft by the operators. When an aircraft interchange arrangement is authorized, A029 is issued to the primary operator (as determined by the FAA) and the interchange operator (only to the interchange and primary operator that operates to the United States).

1) For the purpose of A029, the primary operator is the air carrier that would normally operate the aircraft if an interchange arrangement were not in effect.

2) The primary operator retains responsibility for the maintenance control of an aircraft that is the subject of an interchange arrangement.

3) The interchange operator is the other party to an interchange arrangement.

4) The interchange points are those airports where an aircraft may be transferred between the primary operator and the interchange operator.

5) The transfer involves the replacement of the flightcrew of one operator with the flightcrew of the other operator.

b) Amending OpSpecs. The following scenarios will arise when amending the OpSpecs to document interchange arrangements involving foreign air carriers and operations to the United States:

1) If the primary operator under an interchange arrangement provides service to the United States, then the aircraft subject to the interchange will be identified in A029 of the primary operator's OpSpecs and included in the list of the primary operator's aircraft in OpSpec A003.

2) If the primary operator under an interchange arrangement does not provide service to the United States, then the interchange points must be located outside the United States. The FAA would not issue A029 to the primary operator.

3) If the interchange operator provides service to the United States, then the aircraft subject to the interchange will be identified in A029 of the interchange operator's OpSpecs. If

the interchange operator does not serve the United States, then the FAA would not issue A029 to the interchange operator. The interchange points must be located outside the United States.

4) When U.S.-registered aircraft are included under an interchange arrangement between two foreign air carriers, those aircraft must also be listed in OpSpec D085 of the primary operator's OpSpecs.

c) Review Terms of the Interchange Arrangement. Before issuing A029, PIs must review the terms and conditions of the appropriate interchange arrangement. The interchange arrangement must specify the associated procedures to use during the interchange operation. The arrangement should ensure the following:

1) When the primary operator's flightcrew is operating the aircraft, the primary operator will be responsible for and maintain operational control of the aircraft. When the aircraft is under the operational control of the primary operator, the flightcrews and dispatch personnel of the primary operator will conduct the operation.

2) The interchange operator, when its flightcrews are operating the aircraft, is responsible for maintaining operational control of the aircraft. When the aircraft is under the operational control of the interchange operator, the flightcrews and dispatch personnel of the interchange operator will conduct the operation.

3) The primary operator is responsible for the maintenance control of the aircraft at all times and must ensure that all maintenance authorizations/special authorizations are in compliance.

d) Instructions for Information Fields for A029. The following provides direction for the information fields, which must be added to A029 in the columns provided:

- Parties to the interchange arrangement—the name, to include DBA if applicable, of the primary and interchange operators;
- Aircraft M/M/S;
- Manufacturer's aircraft serial number;
- Aircraft registration markings from the State of Registry; and
- The interchange points (airport name and ICAO identifier) where operational control between air carriers will change. List only the interchange points that are located in the United States or the last point of departure before coming into the United States, if it is an interchange point (see Volume 12, Chapter 3, Section 2).

1) If the primary operator is a foreign air carrier that does not serve the United States, then the interchange points must be located outside the United States.

2) If the FAA downgrades the State of the Operator of a foreign air carrier that is a party to an existing interchange arrangement from IASA CAT 1 to IASA CAT 2, then all interchange points must be frozen at those locations.

3) PIs must also ensure that if the interchange operator from an interchange point outside the United States makes any stopovers while en route to the United States, that route is identified because in the event of a downgrade that route would likewise be frozen.

**OPSPEC A447—EMERGENCY AIRWORTHINESS DIRECTIVE (AD)
NOTIFICATION FOR U.S.-REGISTERED TRANSPORT CATEGORY AIRCRAFT
(REQUIRED FOR ALL FOREIGN AIR CARRIERS OPERATING U.S.-REGISTERED
TRANSPORT CATEGORY AIRCRAFT).**

a) **Applicability.** OpSpec A447 establishes emergency AD notification and receipt requirements. The FAA will issue A447 to part 129 foreign air carriers and foreign operators operating U.S.-registered transport category aircraft. For additional guidance on processing 400-series templates, see Volume 3, Chapter 18, Section 2.

b) **AD Issuance.** The owner or operator of an aircraft is responsible for maintaining that aircraft in an airworthy condition, as required by § 91.403(a). ADs are substantive regulations issued by the FAA in accordance with part 39 when an unsafe condition has been found to exist in particular aircraft, engines, propellers, or appliances installed on aircraft. ADs are also issued when that unsafe condition is likely to exist or develop in other aircraft, engines, propellers, or appliances of the same type design.

1) Once an AD is issued, no person may operate a product to which the AD applies, except in accordance with the requirements of that AD.

2) The POI, along with the Principal Avionics Inspector (PAI) and the Principal Maintenance Inspector (PMI), are responsible to see that an owner/operator complies with an AD, as applicable for the operations of any particular aircraft.

Note: More information may be found at:
https://www.faa.gov/aircraft/air_cert/continued_operation/ad/.

c) **Emergency ADs Require Immediate Action.** The FAA Aircraft Certification Service (AIR) distributes emergency ADs by email that affect transport category aircraft. All part 129 foreign air carriers and foreign operators operating U.S.-registered transport category aircraft are required to provide a designated person or organization, 24-hour telephone number, and 24-hour monitored email address for emergency AD notification. The FAA no longer uses SITA, ARINC, or Telex codes for electronic notification.

d) **Confirmation of Emergency AD Receipt.** Part 129 foreign air carriers and foreign operators operating U.S.-registered aircraft shall confirm receipt of an emergency AD by replying to the emergency AD email message. This ensures the FAA that all operators affected by an emergency AD have been notified in time to comply with its requirements and avoid any undue safety risks. In the absence of a timely response by the operator to the email notification, the FAA will attempt to contact the operator by telephone.

e) **Action.** PIs should:

1) Review the completeness and accuracy of the Airworthiness Directive Notification information in the WebOPSS “Maintain Operator Data” menu for each assigned part 129 foreign air carrier and foreign operator operating U.S.-registered transport category aircraft.

a. Select the row of the “Responsible Party” and click the “Edit” button to review/edit the AD notification form. This information will be used to populate A447. A foreign air carrier or foreign operator may assign several people and/or organizations to receive ADs; however, only one may be assigned as the responsible party.

b. Check the “International” box. Populate and/or validate the required AD notification fields, including the “Responsible Party’s E-mail Address.” Emergency ADs will be sent to the responsible party’s email address.

2) Populate A447 and issue it to each assigned part 129 foreign air carrier or foreign operator operating U.S.-registered transport category aircraft. The certificate holder is not required to sign A447.

f) Historical ADs. ADs from the 1940s to present are now available in electronic format for full-text searching in the FAA Regulatory Guidance Library (RGL) at <https://rgl.faa.gov> or on the FAA’s website at https://www.faa.gov/regulations_policies/airworthiness_directives/. A link is provided to subscribe (or modify a subscription) to receive, via email, ADs and Special Airworthiness Information Bulletins (SAIB). PIs may direct questions to AIR via email at rgl@faa.gov.